IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8331 OF 2004

Dattatray Narayan Patil
@ Datta Patil .. Petitioner.
Vs.
Vivekanand Shankar Patil & Ors. .. Respondents.

Mr.S.B.Shetye and Mr.S.V.Gavand for the petitioner.
Mr.C.G.Gavanekar with Ms.Deepa Sawant for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 1ST NOVEMBER, 2004

P.C.:

. Heard Mr.Shetye, learned counsel for the petitioner and Mr.Gavanekar, learned counsel for respondent no.1.

2. Perused the application Exhibit-33 filed by the petitioner, the reply filed by the respondents and the order dated 31.7.2004. The learned counsel appearing for the parties stated that I need not record reasons for allowing this writ petition. They have agreed for the following order:

. The issue framed by the Charity Commissioner on 14.5.2004, namely, "Whether the

present application is mantainable ?" be answered alongwith the other issues, that will be framed in the application filed by respondent nos.1 to 5 under section 41-D of the Bombay Public Trust Act. The words "present application" in the aforesaid issue, according to the learned counsel appearing for the parties, mean the application under section 41-D bearing No.14/2002. In view thereof the order dated 31.7.2004 passed below Exhibit-33 renders ineffective. The Joint Charity Commissioner, Maharashtra, Mumbai shall decide application No.14/2002 expeditiously.

(D.B.Bhosale, J.)